

**Township of Berkeley Heights
Union County, New Jersey
April 20, 2021**

Adequate notice of this meeting has been provided by forwarding a copy to the Courier News, Star Ledger and posting on the Township website, at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting was contained on a list of meetings set by resolution dated January 5, 2021. This meeting will not substantially go past 10:30 p.m.

COUNCIL MEMBERS:

Gentiana Brahimaj
Manuel Couto – Vice President
Jeanne Kingsley - President
Alvaro Medeiros
Jeff Varnerin
Stephen Yellin
Angie Devanney- Mayor

AGENDA FOR PUBLIC MEETING

- I. CALL TO ORDER – 7:00 p.m.**
- II. ROLL CALL**
- III. FLAG SALUTE**
- IV. CONFERENCE SESSION:**
 - 1. Electric Vehicle Charging Station Ordinance**
 - 2. New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act**
- V. REGULAR AGENDA**
- VI. APPROVAL OF MINUTES –
PUBLIC MEETING - March 2, 2021 and March 16, 2021**

IX. Public Hearing and Final Adoption of Ordinances Introduced on April 6, 2021:

Comments on ordinances up for final adoption are welcome during public hearing for each particular ordinance via Zoom: <http://zoom.us/s/3575747364>; if you need to enter a meeting ID it is: **357-574-7364**. Before making a comment, all speakers must identify their name and address. Each speaker shall be limited to 3 minutes. Written comments may also be submitted in lieu of verbal comments via the zoom chat function prior to the end of the public hearing for the particular ordinance. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

Alternatively, you may submit written comments in advance of the meeting either via electronic mail (to: aminkoff@bhtwp.com) or by written letter (to: Township Clerk, 29 Park Avenue, Berkeley Heights, NJ 07922), including commenter's full name and address, which must be received by the Township Clerk by 4:00 P.M. on the date of the Zoom meeting.

BOND ORDINANCE REAPPROPRIATING \$229,968 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES TO PROVIDE FOR SIDEWALK, CURB, PATH AND CROSSWALK IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$50,000 FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION."

X. HEARING ON AGENDA ITEMS ONLY:

Comments are welcome during this portion of the meeting via Zoom: <http://zoom.us/s/3575747364>; if you need to enter a meeting ID it is: **357-574-7364**. Before making a comment, all speakers must identify their name and address. Each speaker is limited to 3 minutes. Written comments may also be submitted in lieu of verbal comments via the zoom chat function prior to the end of the hearing. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

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XI. NEW BUSINESS – RESOLUTIONS OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

1. Resolution approving Bill List dated April 20, 2021 in the amount of \$521,700.90.
2. Resolution authorizing a Change Order to the contract with Garden State Laboratories for Laboratory Services for the Waste Water Treatment Plant, to increase the contract amount by \$40,000.00.

3. Resolution authorizing the \$2,000.00 Sustainable Jersey Grant funded by PSEG Foundation.
4. Resolution authorizing a professional services contract with Van Cleef Engineering Associates for proposed improvements to Peppertown Park in an amount not to exceed \$37,008.00.
5. Resolution authorizing changes to the scope of the Municipal Complex Redevelopment project.
6. Resolution amending the TRHT Advisory Committee to expire on May 31, 2021. Amending resolution #68-2021.
7. Resolution proclaiming April 30, 2021 as Arbor Day in the Township of Berkeley Heights.
8. Resolution authorizing an agreement with City of Elizabeth to provide Sexually Transmitted Disease Services.
9. Resolution authorizing the submission of the Municipal Alliance grant.
10. **CONSENT AGENDA** – All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.
 - a. Resolution authorizing a tax overpayment for the property located at Springfield Avenue, Block #206, Lot# 15, in the amount of \$443.81.
 - b. Resolution authorizing the release of a cash bond to James Buchanan, 167 Chaucer Drive, in the amount of \$2,000.00.

XII. CITIZENS HEARING:

Comments are welcome during this portion of the meeting via Zoom: <http://zoom.us/j/3575747364>; if you need to enter a meeting ID it is: **357-574-7364**. Before making a comment, all speakers must identify their name and address. Each speaker is limited to 3 minutes. Written comments may also be submitted in lieu of verbal comments via the zoom chat function prior to the end of the hearing. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

Alternatively, you may submit written comments in advance of the meeting either via electronic mail (to: aminkoff@bhtwp.com) or by written letter (to: Township Clerk, 29 Park Avenue, Berkeley Heights, NJ 07922), including commenter's full name and address, which must be received by the Township Clerk by 4:00 P.M. on the date of the Zoom meeting.

XIII. TOWNSHIP COUNCIL REPORTS

- A. Gentiana Brahimaj**
- B. Manuel Couto – Vice President**
- C. Jeanne Kingsley - President**
- D. Alvaro Medeiros**
- E. Jeff Varnerin**
- F. Stephen Yellin**

ADMINISTRATION REPORTS

Mayor Devanney
Township Administrator – Liza Viana

XIV. EXECUTIVE SESSION –

- 1. Attorney Client Privilege/Contract Negotiations – Municipal Complex**
- 2. Attorney Client Privilege/Contract Negotiations – Mast**
- 3. Pending or Anticipated Contract Negotiations - NW Financial**
- 4. Attorney Client Privilege - Personnel**

XV. ADJOURNMENT

Ana Minkoff, Township Clerk

"TOWNSHIP OF BERKELEY HEIGHTS"
BERKELEY HEIGHTS, NEW JERSEY

ORDINANCE NO. []

AMENDING APPENDIX A – MUNICIPAL LAND USE PROCEDURES ORDINANCE, OF
THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS (THE "CODE") TO INCLUDE
ELECTRIC VEHICLE CHARGING STATIONS

IT IS HEREBY ORDAINED by the Township Council of Berkeley Heights, Berkeley Heights, State of New Jersey (the "Township"), as follows:

SECTION 1: Part 11 – Parking, Driveways, and Loading Spaces of the Code, is hereby amended by adding the following:

§ 11.1.13. Electric Vehicle Charging Stations

- A. Purpose.** The purpose of this section is to provide a regulatory framework for the construction and operation of electric vehicle charging stations in the Township. Electric vehicles provide many benefits for the public health, safety, and welfare, including reducing air pollution, greenhouse gas emissions and stormwater runoff contaminants; promoting savings in motor vehicle operating costs for vehicle owners; and contributing overall to sustainability goals and objectives of the Township of Berkeley Heights and the State.

This section also addresses the Township's increasing need to accommodate residents' increased usage of electric vehicles. New Jersey is becoming a primary market for electric vehicles, and the accompanying demand for charging stations is projected to grow with the increase of electric vehicle models on the market. At the state level, in January 2020, New Jersey passed legislation setting a target of 330,000 electric vehicles being registered in-state by 2025, increasing to 2 million electric vehicles by 2035. The New Jersey Board of Public Utilities promotes compliance with this target through an incentive program it has created for electric vehicle charging at home. At the federal level, according to the U.S. Department of Energy (DOE), the domestic transportation sector consumes approximately one-third of the U.S.'s total energy and accounts for more than two-thirds of its petroleum consumption. DOE has noted that in addition to reducing greenhouse gas emissions, increased domestic reliance on energy efficient vehicles such as hybrid and plug-in electric vehicles assists in decreasing domestic reliance on imported petroleum, increases resiliency, and diversifies the U.S.'s transportation fleet.

This section promotes the provision of appropriate infrastructure in the Township to support the transition to electric vehicle use, while ensuring that such infrastructure does not pose detriments to the existing neighborhoods or community character of Berkeley Heights.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

CHARGING LEVELS

The standardized indicators of electrical force or voltage, at which an electric vehicle's battery is recharged. The most common charging levels in the current market are as follows:

Level 1: Slow charging; operates on an alternating current (AC) circuit with voltage up to 120 volts.

Level 2: Medium charging; operates on an alternating current (AC) circuit with voltage commonly at 208, 220, or 240 volts.

DC Fast Charger (DCFC): Fast or rapid charging; operates on a direct current (DC) circuit with voltage of 480 volts or higher. DCFC charging is primarily utilized for commercial and public applications and is typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

CHARGING OF ELECTRIC VEHICLES

Any electric vehicle that is parked at an electric vehicle charging station and connected to the electric vehicle charging equipment.

ELECTRIC VEHICLE

Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates, either partially or exclusively, on electrical energy from the grid or other off-board source that is stored on-board via a battery or similar energy storage device for propulsion.

ELECTRIC VEHICLE CHARGING EQUIPMENT

Any equipment or electrical component used for the purpose of charging an electric vehicle, including but not limited to power cabinets, transformers, switchboards, outlets, electric meters, circuit breakers, network interfaces, point of sale equipment, and other associated apparatus and utilities such as electric lines and cables, conductors, connectors, couplers, enclosures, and attachment plugs. Electric vehicle charging equipment shall not include equipment located within the electric vehicles themselves.

ELECTRIC VEHICLE CHARGING STATION

A parking space installed with electric vehicle charging equipment that allows for the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

C. Siting and design standards

(1) Permitted locations. Electric vehicle charging stations shall be permitted as follows:

- a) Level 1 and Level 2 charging stations shall be permitted in all zoning districts when accessory to a permitted use.
- b) DCFC charging stations shall be permitted in any zoning districts when accessory to a permitted use other than single family detached dwellings.

- c) Notwithstanding the above regulations, public electric vehicle charging stations are allowed to be constructed in any public parking lot maintained and operated by the Township or other public entity.

(2) Design and installation standards. Where provided, electric vehicle charging stations shall comply with the following standards:

- a) The parking stall of an electric vehicle charging station shall be not less than 9 feet wide by 18 feet in length, the same dimensions as a conventional parking space.
- b) Charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors at a sufficient and safe distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- c) Equipment mounted on pedestals, lighting posts, or other devices for on- street charging stations shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
- d) Adequate charging station equipment protection such as wheel stops and concrete-filled steel bollards shall be used. Non-mountable curbing may be used in lieu of bollards, if the charging station is set back a minimum of 24 inches from the face of the curb.
- e) Adequate site lighting shall be provided in accordance with Part 11.1.5 Lighting.

(3) Signage. Signage for electric vehicle charging stations, except when accessory to a single-family detached dwelling, are subject to the following guidelines and standards:

- a) Unless otherwise noted in this section, sign standards in Part 5 Signs and Section 19.5 Standards and Guidelines for the Downtown shall not apply to electric vehicle charging station signage described in this subsection.
- b) Regulatory signs. An electric vehicle charging station is allowed to have regulatory signage to designate the parking space as reserved for electric vehicle charging purposes, and to provide notice regarding usage restrictions and safety and operational information of the charging station. Where provided, regulatory signs shall be subject to the following provisions:
 - i. Each electric vehicle charging station shall be allowed one (1) freestanding regulatory sign.
 - ii. Regulatory signs for on-street charging stations shall be consistent with the *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)* as published by the Federal Highway Administration, or any MUTCD Interim Approvals and Policy Recommendations where applicable.

- iii. Regulatory signs for off-street charging stations shall be subject to the following standards:
 - [1] Each single regulatory sign shall be permitted to have a maximum of 2 plaques stacked adjacent to each other.
 - [2] Each plaque shall not exceed 2 square feet in area.
 - [3] The total height of the regulatory sign, including all of its sign plaques, shall not exceed 6 feet from grade.
 - [4] Regulatory signs shall not be illuminated.
 - [5] It is strongly encouraged, but not required, that regulatory signs for off-street charging stations also utilize designs consistent with MUTCD.
- iv. A regulatory sign for an off-street charging stations shall, at a minimum, contain graphics and/or text to clearly identify the parking space as an electric vehicle charging station and indicate that it is reserved for use by electric vehicles for charging purposes only. The following additional information may also be included:
 - [1] Hours of operation of that particular charging station and charging time limits, and if time limits or tow-away provisions are to be enforced in accordance with § 11.1.13.D. herein;
 - [2] The name and logo of the electric vehicle charging equipment operator.
 - [3] Voltage and amperage levels;
 - [4] A mandate to vacate the stall when charging is complete;
 - [5] Usage fees, if any;
 - [6] Safety information; and
 - [7] Contact information for reporting when the equipment is not operating or other problems.
- c) If no regulatory sign as set forth in subsection (b) above is provided, the charging station shall be designated and identified clearly via pavement and/or curb markings.
 - i. Markings for on-street charging stations shall be consistent with the *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)* as published by the Federal Highway Administration, or any MUTCD Interim Approvals and Policy Recommendations where applicable;
 - ii. Markings for off-street charging stations shall be subject to the review and approval of the Township Engineer. It is strongly encouraged, but not required, that markings for off-street charging stations also utilize designs consistent with MUTCD.
 - iii. If a regulatory sign, subject to the provisions in subsection (b) above, is provided for a charging station, markings may also be optionally provided in conjunction with such sign.
- d) Signs displayed on electric vehicle charging equipment. Signage shall be allowed to be displayed on charging posts and kiosks, subject to the following provisions:

- i. On each charging post or kiosk, such signage shall not exceed 10% of the total surface area of the face of the charging post or kiosk on which it is displayed.
 - ii. Such signage shall not be illuminated.
 - iii. Such signage may include the name and logo of the electric vehicle charging equipment operator. No advertising message shall be allowed.
- e) All signs shall be maintained in accordance with §5.7 Maintenance and shall conform with §5.9 Prohibited Placement of Signs.
- f) Examples of recommended signage are provided below:

D. Minimum charging station standards.

(1) General provisions.

- a) When electric vehicle charging stations are provided in accordance with this section, they shall count towards the calculation for the minimum number of off-street parking spaces required as established in §11.1.2 Required Number of Parking Spaces for Specific Uses.
- b) If a mixed-use development contains multiple uses that require electric vehicle charging stations in accordance with this section, the minimum number of charging stations required for that development shall equal the sum of the number of charging stations required for each use.
- c) A fraction shall be rounded up to the nearest whole number for purposes of calculating the required number of parking spaces or the required number of charging stations when referenced in the tables in the following subsections.
- d) All electric vehicle charging stations required and provided pursuant to this section shall be installed with charging equipment that allows either Level 2 or DCFC charging levels.

(2) Non-residential uses. Non-residential developments, except [], shall be subject to the following provisions:

- a) In association with non-residential uses [as defined above], all new parking facilities and all expansions of existing parking facilities resulting in an increase of more than 5 spaces or 10% in parking capacity shall include electric vehicle charging stations in accordance with the table below.

Number of Parking Spaces Required	Minimum Number of Electric Vehicle Charging Stations Required
15 or less	0

16 to 100	2% of total required number of parking spaces
> 100	3% of total required number of parking spaces

- b) In accordance with the above table, if the minimum number of electric vehicle charging stations required is zero, then the parking facility shall be equipped with conduits that facilitate wiring capable of supporting future hardwire installation of electric vehicle charging stations. [Get color from Township Engineer about whether to include conduit language whatsoever.]

(3) **Multi-family residential uses.** Multifamily residential developments with 5 or more units shall be subject to the following provisions:

- a) In association with multi-family developments as defined above, all new parking facilities and all expansions of existing parking facilities resulting in an increase in parking capacity by more than 5 spaces or 10% shall include electric vehicle charging stations in accordance with the table below.

Number of Parking Spaces Required	Minimum Number of Electric Vehicle Charging Stations Required
50 or less	5% of total required number of parking spaces
> 50	10% of total required number of parking spaces

- b) All new parking stalls provided in association with new multifamily construction that are not electric vehicle charging stations shall be equipped with conduits that facilitate wiring capable of supporting future hardwire installation of electric vehicle charging stations. [Get color from Township Engineer about whether to include conduit language whatsoever.]

(4) **ADA spaces.** It is encouraged, but not required, that ADA-accessible electric vehicle charging station be provided within any parking facility that is required to have electric vehicle charging stations, in accordance with the following table:

Number of EV Charging Stations Required	Minimum Accessible EV Charging Stations Required

3 - 50	1
51 - 100	2
100 or greater	2, plus 1 additional accessible charging station for each increment of 50 charging stations provided

E. Permitting and Approval.

- (1) **Permit Required.** Any development involving the installation of a new outlet, conduit and wiring, or other electric vehicle charging equipment must obtain an electrical permit and pass the subsequent inspection.
- (2) **Site plan review exemptions.** Projects solely involving the following shall be exempt from site plan review:
 - a) Installation of electrical vehicle charging equipment at existing parking facilities to convert existing parking stalls into charging stations, provided that the total number of parking stalls, including conventional stalls and electric vehicle charging stations, remains the same as what is existing within the parking facility.
 - b) Installation of electric vehicle charging equipment and charging stations that are accessory to a single-family detached dwelling.

F. Restrictions and Enforcement.

Except when accessory to a detached single-family dwelling, the following shall occur:

- a) All electric vehicle charging stations shall be reserved for charging of electric vehicles only.
- b) It shall be unlawful for any person to park or leave standing a vehicle in a stall or space designated for the charging of electric vehicles unless the vehicle is connected for electric charging purposes.
- c) Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging/parking. If applicable, warnings should be posted to alert charging station users about hours of use and possible actions affecting electric vehicle charging stations that are not being used in accordance with posted rules.
- d) If an electric vehicle exceeds the time limits/hours of permitted charging for a particular charging station, as indicated by the applicable signage for such charging station, then:

- i. For publicly-owned electric vehicle charging stations, the electric vehicle shall be subject to towing at the vehicle owner's expense or a fine of \$50 for the first three violations and a fine of \$100 for each violation thereafter. Towed vehicles may be reclaimed at a designated towing facility by contacting the Berkeley Heights Police Department.
 - ii. For privately-owned electric vehicle charging stations, if an electric vehicle exceeds the hours of permitted charging for a particular charging station, as indicated by the applicable signage for such charging station, then property owner or such owner's designee shall possess discretion regarding towing and fines.
- e) Notwithstanding § 11.1.13.D.(c) herein, to discourage indefinite charging/parking, a publicly-owned or a private-owned electric vehicle charging station with applicable signage may bill for the amount of time a vehicle is actually connected to a charging unit, rather than for active charging time, as a means of shifting the billing currency to one based on time rather than on energy consumed. In addition, the municipality or the private owner or owner's designee shall have discretion to remove all vehicles exceeding the permitted charging time, in accordance with the procedures listed in § 11.1.13.D.(d)(i) and § 11.1.13.D.(d)(ii).

G. Training. Due to the unique chemical, electrical, and thermal hazards associated with high voltage charging systems, to address the potential consequences such hazards pose, all municipal staff in the law enforcement, fire, and/or emergency response departments shall receive education and training related to electric vehicles and electric vehicle charging stations, such as, but not limited to, the National Fire Protection Association's (NFPA's) self-paced online training program, *Alternative Fuel Vehicles Training Program for Emergency Responders*.

SECTION 2: This ordinance shall take precedence over all other ordinances or parts of other ordinances inconsistent with this ordinance, to the extent of any inconsistencies between them.

SECTION 3: If any section, subsection, paragraph, clause or provision of this ordinance shall be adjudged to be invalid, such adjudication shall apply only to such section, subsection, paragraph, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

INTRODUCED: [____]/____/2021

ADOPTED: [____]/____/2021

BOND ORDINANCE REAPPROPRIATING \$229,968
PROCEEDS OF OBLIGATIONS NOT NEEDED FOR
THEIR ORIGINAL PURPOSES TO PROVIDE FOR
SIDEWALK, CURB, PATH AND CROSSWALK
IMPROVEMENTS IN AND BY THE TOWNSHIP OF
BERKELEY HEIGHTS, IN THE COUNTY OF UNION,
NEW JERSEY, PROVIDING A SUPPLEMENTAL
APPROPRIATION OF \$50,000 FOR SUCH PURPOSE
AND AUTHORIZING THE ISSUANCE OF \$47,500
BONDS OR NOTES OF THE TOWNSHIP FOR
FINANCING PART OF THE APPROPRIATION

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY (not
less than two-thirds of all members thereof affirmatively concurring) AS
FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that
\$229,968 of the proceeds of obligations originally made available pursuant to the
following bond ordinances of the Township of Berkeley Heights, in the County of
Union, New Jersey (the "Township") are no longer necessary for the various
purposes for which the obligations previously were authorized:

<u>Section/Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
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Section 3(j) of Bond Ordinance #7-2019, as amended by Bond Ordinance #16-2019	Road improvements to Sawmill Drive and Cornell Avenue, including all work and materials necessary therefor and incidental thereto, finally adopted July 23, 2019, as amended October 15, 2019.	\$143,649
Section 3(k) of Bond Ordinance #7-2019, as amended by Bond Ordinance #16-2019	Road improvements to Briarwood Drive East/West, Fay Place and Fawn Circle and Ridgewood Place, including all work and materials necessary therefor and incidental thereto, finally adopted July 23, 2019, as amended October 15, 2019.	\$86,319
Total:		\$229,968

Section 2. The \$229,968 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are hereby reappropriated to provide for the purpose set forth in Section 5(a) below.

Section 3. The improvement described in Section 5(a) of this bond ordinance has heretofore been authorized to be undertaken by the Township as a general improvement. For the improvement or purpose described in Section 5(a), there is hereby appropriated the supplemental amount of \$279,968, including the \$229,968 reappropriated pursuant to Section 2 hereof and the \$50,000 appropriated hereby, such sum being in addition to the \$410,000 appropriated therefor by Section 3(m) of Bond Ordinance #7-2019, as amended by Bond Ordinance #16-2019, of the Township, finally adopted July 23, 2019, as amended October 15, 2019, respectively, and including the sum of \$2,500 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 4. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$47,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 5. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is sidewalk, curb, path and crosswalk improvements, from portions of Plainfield Avenue from Park Avenue, Roosevelt Avenue and Plainfield Avenue and the trail from Park Avenue to Mountain Avenue, Roosevelt Avenue and Columbia Avenue, including all work and materials necessary therefor and incidental thereto, as described in Bond Ordinance #7-2019, as amended by Bond Ordinance #16-2019.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$47,500, including \$47,500 bonds or bond anticipation notes authorized herein. Bond Ordinance #7-2019, as amended by Bond Ordinance #16-2019, did not authorize any bonds or notes for this purpose.

(c) The estimated cost of the improvement or purpose is \$689,968, including the \$410,000 appropriated by Section 3(m) of Bond Ordinance #7-2019, as amended by Bond Ordinance #16-2019, and the \$279,968 appropriated herein.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 7. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary

capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 8. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 5(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years. Since Bond Ordinance #7-2019, as amended by Bond Ordinance #16-2019, was a multipurpose bond ordinance, the average useful life of Bond Ordinance #7-2019, as amended by Bond Ordinance #16-2019, is amended to be 9.67 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs

of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$47,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$807,685 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$757,685 was estimated for these items of expense in Bond Ordinance #7-2019, as amended by Bond Ordinance #16-2019, and an additional \$50,000 is estimated and provided for hereby.

Section 9. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 4 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purpose described in Section 5(a) of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 10. Any grant moneys received for the purpose described in Section 5(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 11. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCED the 6th day of April, 2021.

ADOPTED the _____ day of _____, 2021.

By: _____
Angie Devanney, Mayor

ATTEST:

Ana Minkoff, Township Clerk

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Berkeley Heights, in the County of Union, State of New Jersey, on **April 6, 2021**. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held via Zoom: <http://zoom.us/s/3575747364>, if you need to enter a meeting ID it is: **357-574-7364**, on **April 20, 2021** at 7:00 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost by emailing the Township Clerk at aminkoff@bhtwp.com, and on the Township's website, www.berkeleyheights.gov for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE REAPPROPRIATING \$229,968 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES TO PROVIDE FOR SIDEWALK, CURB, PATH AND CROSSWALK IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$50,000 FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION

Purposes:

- A) To reappropriate \$229,968 from Section 3(j) and 3(k) of Bond Ordinance #7-2019, as amended by Bond Ordinance #16-2019, to provide for sidewalk, curb, path and crosswalk improvements, from portions of Plainfield Avenue from Park Avenue, Roosevelt Avenue and Plainfield Avenue and the trail from Park Avenue to Mountain Avenue, Roosevelt Avenue and Columbia Avenue, including all work and materials necessary therefor and incidental thereto
- B) To provide a supplemental appropriation of \$279,968, including the \$229,968 referenced above and an additional \$50,000 to provide for sidewalk, curb, path and crosswalk improvements, from portions of Plainfield Avenue from Park Avenue, Roosevelt Avenue and Plainfield Avenue and the trail from Park Avenue to Mountain Avenue, Roosevelt Avenue and Columbia Avenue, including all work and materials necessary therefor and incidental thereto, as described in Bond Ordinance #7-2019, as amended by Bond Ordinance #16-2019, finally adopted July 23, 2019, as amended October 15, 2019

Supplemental Appropriation: \$279,968

Supplemental Bonds/Notes Authorized: \$47,500

Grant Appropriated: N/A

Supplemental Section 20 Costs: \$50,000

Useful Life: 10 years

Ana Minkoff, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
BRAHIMAJ	✓			<input type="checkbox"/>
COUTO	✓			
KINGSLEY	✓			
MEDEIROS	✓			
VARNERIN	✓			
YELLIN	✓			
TIE:				
MAYOR DEVANNEY				

Agenda Item # 1

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 4/20/21, in the amount of \$521,700.90 such vouchers having been received by the Township Council, having been satisfied that appropriate procedure has been followed in the processing of said vouchers.

APPROVED this 20th day of April, 2021.

ATTEST:

Ana Minkoff
Township Clerk

#2

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

WHEREAS, the Township of Berkeley Heights entered into a contract with Garden State Laboratories, for Laboratory Services, for the Waste Water Treatment Plant in the amount not to exceed \$94,470.00 on January 1, 2019; and

WHEREAS, Joseph Bonaccorso, has advised the Township, that there is an additional \$40,000.00 needed for the increase in laboratory services.

NOW, THEREFORE, BE IT RESOLVED by the Township Council, of the Township of Berkeley Heights, County of Union, that it hereby approves Change Order No. 1 which increases the contract amount by \$40,000.00.

APPROVED this 20th day of April, 2021.

ATTEST:

Ana Minkoff

CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that there are sufficient legally appropriated funds for the amount of this contract, in Account #1-01-30-818-028 - subject to the approval and adoption of the 2021 budget, and that these funds have not been certified as available for any other pending contract.

Eugenia Poulos, Chief Financial Officer
April, 20, 2021

#3

**Township of Berkeley Heights
Union County, New Jersey**

Resolution

**Support from the Berkeley Heights Township Council Authorizing the
\$2,000 Sustainable Jersey Grant Funded by the PSEG Foundation**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Berkeley Heights strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Berkeley Heights is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Grants Program funded by the PSEG Foundation;

WHEREAS, the Berkeley Heights Environmental Commission desires to apply for a grant sponsored by PSEG, in the amount of \$2,000 to help launch a new “Adopt a Drain” initiative in Berkeley Heights; and

WHEREAS, with Environmental Commission launching the “Adopt a Drain” initiative, it would make Berkeley Heights only the second community on the East Coast do adopt the national program;

THEREFORE, the Township Council of Berkeley Heights, NJ has determined that Berkeley Heights should apply for the \$2,000 grant being offered under the aforementioned Sustainable Jersey Grants Program (the “Sustainable Jersey Grant”).

THEREFORE, BE IT RESOLVED, that Township Council of Berkeley Heights, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

APPROVED this 20th day of April, 2021.

ATTEST:

Ana Minkoff
Township Clerk

#4

**TOWNSHIP OF BERKELEY HEIGHTS
COUNTY OF UNION, NEW JERSEY**

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO
VAN CLEEF ENGINEERING ASSOCIATES FOR PROPOSED IMPROVEMENTS
TO PEPPERTOWN PARK, BLOCK 614, LOTS 1**

WHEREAS, the Township of Berkeley Heights is in need of contracting for professional engineering services to provide various improvements at Peppertown Park in the Township of Berkeley Heights; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution authorizing the award of the contract for professional services without competitive bid and that the contract itself must be available for inspection; and

WHEREAS, on January 5, 2021, Van Cleef Engineering Associates was deemed qualified to provide professional general engineering services to the Township of Berkeley Heights as part of a Fair and Open process in accordance with the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5; and

WHEREAS, Van Cleef Engineering Associates has provided proposal dated April 14, 2021, said proposal consisted of the following services: Preliminary/Final Site Plan for improvements to Peppertown Park, Block 614, Lots 1. The total cost proposed is \$37,008.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Berkeley Heights that the Mayor and/or the Township Administrator of the Township of Berkeley Heights are hereby authorized to execute and attest to an agreement with Van Cleef Engineering Associates for Preliminary/Final Site Plan for Peppertown Park, Block 614, Lots 1; at a fee not to exceed \$37,008.00.00 pursuant to their proposal dated April 14, 2021. This contract is awarded without competitive bids as a "professional services contract" in accordance with N.J.S.A. 40A:11-5(1)(a)(l) of the Local Public Contracts Law and pursuant to a Fair and Open process in accordance with the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq.; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has issued a Certificate Available Funds which is incorporated herein by reference, for an amount not to exceed \$37,008.00.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

APPROVED this 20th day of April, 2021.

ATTEST:

Ana Minkoff
Township Clerk

CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that there are sufficient legally appropriated funds for the amount of this contract, \$37,008.00, in Account # c-04-20-900-521, and that these funds have not been certified as available for any other pending contract.

Eugenia Poulos, Chief Financial Officer
April, 20, 2021

#5

RESOLUTION ____

**RESOLUTION OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN
THE COUNTY OF UNION, NEW JERSEY, AUTHORIZING
CHANGES TO THE SCOPE OF THE MUNICIPAL COMPLEX
REDEVELOPMENT PROJECT**

WHEREAS, on April 22, 2014, the Township Council of the Township of Berkeley Heights (the "**Township Council**") designated Block 608, Lots 1 and 4, and Block 504, Lots 5 and 6, as shown on the Tax Maps of the Township, including that portion of the Columbus Avenue right-of-way extending from the western limit of Block 504, Lot 6 to the New Jersey Transit property line to the north, and that portion of the Berkeley Avenue right-of-way extending from the New Jersey Transit boundary line to the north to the Park Avenue right-of-way to the south, all within the Township of Berkeley Heights (the "**Redevelopment Area**"), as a non-condemnation area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "**Redevelopment Law**"); and

WHEREAS, on June 14, 2016 via the adoption of Ordinance 10-2016, the Township Council duly adopted a redevelopment plan for the Redevelopment Area entitled, "Municipal Complex Redevelopment Plan for the Township of Berkeley Heights", dated May 19, 2016 (as the same may be amended and supplemented from time to time, the "**Redevelopment Plan**"); and

WHEREAS, on December 29, 2017, the Township issued a request for proposals (as supplemented from time to time, the "**Original RFP**") seeking a redeveloper of the Redevelopment Area; and

WHEREAS, on February 23, 2018, the Township received responses to the Original RFP from Epic Management, Inc. and Torcon Inc. (each a "**Respondent**" and together, the "**Respondents**"); and

WHEREAS, on March 20, 2018, the Township issued to the Respondents a short list request for proposals (the "**Short List RFP**" and, together with the Original RFP, the "**RFP**"); and

WHEREAS, the Respondents submitted responses to the Short List RFP to the Township on April 13, 2018; and

WHEREAS, the Township evaluated the responses provided by the Respondents based on designated criteria in the RFP, including but not limited to, (i) compliance with the terms of the RFP, (ii) total costs to construct the project contemplated by the Redevelopment Plan (the "**Redevelopment Project**"), including allowances, assurances and exceptions, (iii) respondent experience and qualifications constructing projects similar to the Redevelopment Project, (iv) quality of value engineering recommendations, and (v) strategy for completing the design and construction of the Redevelopment Project; and

WHEREAS, based upon the Township's evaluation, and pursuant to Resolution 154-2018 adopted by the Township on June 26, 2018 (the "**Conditional Designation Resolution**"), the Township conditionally designated Epic Management, Inc., located at 136 Eleventh Street, Piscataway, New Jersey 08854, or an affiliated entity (the "**Redeveloper**"), as the "redeveloper" (as defined in the Redevelopment Law) of the Redevelopment Area, subject to the negotiation, approval by the Township and execution of a redevelopment agreement between the Township and Redeveloper; and

WHEREAS, on July 10, 2018, the Township adopted Resolution 160-2018, designating the Redeveloper as "redeveloper" of the Redevelopment Area and approving the form and authorizing the execution of a redevelopment agreement with the Redeveloper; and

WHEREAS, the Township and Redeveloper entered into a Redevelopment Agreement dated as of July 11, 2018 (as amended and supplemented from time to time, the "**Redevelopment Agreement**"), which Redevelopment Agreement specifies the rights and responsibilities of the Township, designates the Redeveloper as redeveloper of the Redevelopment Area as to the Redevelopment Project and specifies the rights and responsibilities of the Redeveloper with respect to the Redevelopment Project; and

WHEREAS, pursuant to the Redevelopment Agreement, the Guaranteed Maximum Price (as defined in the Redevelopment Agreement) of the Redevelopment Project is \$26,828,574 (the "**Redevelopment Project GMP**"); and

WHEREAS, by resolution adopted on December 4, 2018, the Township approved certain changes to the Redevelopment Project, including (i) to reduce the Redevelopment Project GMP by \$949,938.50 as described in Change Order Number 001 dated as of November 30, 2018, and (ii) to increase the Redevelopment Project GMP by the aggregate amount of \$495,469.37 as described in Change Order Number 002 dated as of November 30, 2018 (in the amount of \$484,991.87) and Change Order Number 003 dated as of November 30, 2018 (in the amount of \$10,477.50), such changes in the aggregate reducing the Redevelopment Project GMP by \$454,469.13, to \$26,374,104.87; and

WHEREAS, by resolution adopted on May 29, 2019, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 004, dated as of May 29, 2019, such changes in the aggregate increased the Redevelopment Project GMP by \$133,590.85, to \$26,507,695.72; and

WHEREAS, by resolution adopted on June 25, 2019, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 005, dated as of June 25, 2019, such changes in the aggregate increased the Redevelopment Project GMP by \$194,049.81 to \$26,701,745.53; and

WHEREAS, by resolution adopted on July 9, 2019, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 006, dated

as of July 5, 2019, such changes in the aggregate increased the Redevelopment Project GMP by \$135,852.64 to \$26,837,598.17; and

WHEREAS, by resolution adopted on July 9, 2019, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 007 dated as of August 20, 2019, such changes in the aggregate increased the Redevelopment Project GMP by \$43,094.82 to \$26,880,692.99; and

WHEREAS, by resolution adopted on November 18, 2019, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 008 dated as of November 18, 2019, such changes in the aggregate increased the Redevelopment Project GMP by \$19,557.79 to \$26,900,250.78; and

WHEREAS, by resolution adopted on December 17, 2019, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 009 dated as of December 17, 2019, such changes in the aggregate increased the Redevelopment Project GMP by \$44,620.15 to \$26,944,870.93; and

WHEREAS, by resolution adopted on March 24, 2020, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 010 dated as of March 24, 2020, such changes in the aggregate increased the Redevelopment Project GMP by \$3,073.22 to \$26,947,944.15; and

WHEREAS, by resolution adopted on April 14, 2020, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 011 dated as of April 14, 2020, such changes in the aggregate increased the Redevelopment Project GMP by \$325,380.99 to \$27,273,325.14; and

WHEREAS, by resolution adopted on May 12, 2020, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 012 dated as of May 12, 2020, such changes in the aggregate increased the Redevelopment Project GMP by \$262,322.08 to \$27,535,647.22; and

WHEREAS, by resolution adopted on August 18, 2020, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 013 dated as of August 18, 2020, such changes in the aggregate increased the Redevelopment Project GMP by \$162,399.71 to \$27,698,046.93; and

WHEREAS, by resolution adopted on October 6, 2020, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 014 dated as of October 6, 2020, such changes in the aggregate increased the Redevelopment Project GMP by \$87,520.56 to \$27,785,567.49; and

WHEREAS, by resolution adopted on December 16, 2020, the Township approved certain changes to the Redevelopment Project as described in Change Order Number 015 dated as of December 22, 2020 such changes in the aggregate increased the Redevelopment

Project GMP by \$137,901.48 to \$27,923,468.97 (the "**Amended Redevelopment Project GMP**"); and

WHEREAS, the Township desires to approve certain changes to the Redevelopment Project to provide for the work described in Change Order Number 016 dated as of April 20, 2021 and attached hereto as **Exhibit A** ("**Change Order 016**"), and to increase the Amended Redevelopment Project GMP by \$216,627.48 to provide for such work.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights, in the County of Union, New Jersey, as follows:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. Change Order 016 is hereby approved, and the Mayor and Business Administrator of the Township, along with the Township's construction manager, architect, site civil engineer are each hereby authorized and directed, as applicable, to execute Change Order 016 in the form attached hereto as **Exhibit A**, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Township's architect, construction manager and other Township professionals, and to deliver same to the other parties thereto.

Section 3. This resolution shall take effect immediately.

Approved this 20th of April, 2021.

Attest:

Ana Minkoff
Township Clerk

CHIEF FINANCIAL OFFICER CERTIFICATION

I certify there are sufficient legally appropriated funds for the amount of this Change Order in Account #C-04-18-012-001, and that these funds have not been certified as available for another pending contract.

EUGENIA POULOS
CHIEF FINANCIAL OFFICER

DATE: April 20, 2021

Exhibit A

Form of Change Order 016

AIA® Document G701/CMa™ – 1992

Change Order - Construction Manager-Adviser Edition

PROJECT (Name and address): Berkeley Heights Municipal Complex Redevelopment 29 Park Avenue, Berkeley Heights, NJ 07922		CHANGE ORDER NUMBER: 016 INITIATION DATE: 4/20/2021	OWNER: <input checked="" type="checkbox"/> CONSTRUCTION MANAGER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): EPIC Management, Inc. 136 Eleventh Street Piscataway, NJ 08854		PROJECT NUMBERS: EPIC 10-1810 / MAST 340 CONTRACT DATE: 7/11/2018 CONTRACT FOR: Redeveloper	

THE CONTRACT IS CHANGED AS FOLLOWS:

This AIA Change Order #16 is comprised of the following PCO's:

- PCO #139 -- Change Two (2) Card Readers: \$1,419.00
- PCO #140 -- Electrical Inspector Comments: \$5,377.90
- PCO #141 -- Mehl Electric T&M Work: \$12,485.00
- PCO #144 -- New Site Lighting Fixtures: \$39,691.30
- PCO #146 -- Belgian Block Curbing Along Park Avenue: \$10,883.95
- PCO #147 -- Soil Testing for Phase 2 Stockpiles #10 & #11: \$3,928.00
- PCO #148 -- T&M Phase 2 Parking Lot Undercut at Underground Storm: \$23,853.62
- PCO #149 -- Import Stone - Part 6 Actual Cost: \$8,631.84
- PCO #150 -- Maintain Stockpile Tarps: \$2,500.54
- PCO #151 -- Elevator Pit Water Infiltration: \$2,893.00
- PCO #159 -- Stainless Steel at Second Floor Stair: \$4,967.50
- PCO #162 -- Export Stockpiles #10 & #11: \$99,995.83

Note: The Architect is only signing with regard to PCO's #139, #140, #141, #151 and #159; not for the other site-related PCO's.

The original Contract Sum was	\$	26,828,574.00
Net change by previously authorized Change Orders	\$	1,094,894.97
The Contract Sum prior to this Change Order was	\$	27,923,468.97
The Contract Sum will be increased by this Change Order in the amount of	\$	216,627.48
The new Contract Sum including this Change Order will be	\$	28,140,096.45

The Contract Time will be unchanged by 0 (zero) days.

The date of Substantial Completion as of the date of this Change Order therefore is 12/30/2020.

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE OWNER, CONSTRUCTION MANAGER, ARCHITECT AND CONTRACTOR.

MAST Construction Services, Inc.

CONSTRUCTION MANAGER (Firm name)

96 East Main Street, Little Falls, NJ 07424

ADDRESS



BY (Signature)

Eric Chait

(Typed name)

DATE: 4/20/2021

EPIC Management, Inc.

CONTRACTOR (Firm name)

136 Eleventh Street, Piscataway, NJ 08854

ADDRESS

BY (Signature)

Bill Perlack, Jr.

(Typed name)

DATE: 4/20/2021

arcari + iovino Architects PC

ARCHITECT (Firm name)

One Katherine Street, Little Ferry, NJ 07643

ADDRESS

BY (Signature)

Joseph Frangiosa

(Typed name)

DATE: 4/20/2021

Township of Berkeley Heights, NJ

OWNER (Firm name)

29 Park Avenue, Berkeley Heights, NJ 07922

ADDRESS

BY (Signature)

Liza Viana

(Typed name)

DATE: 4/20/2021

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

AMENDING RESOLUTION #68-2021

WHEREAS, the Township of Berkeley Heights is committed to supporting inclusion, racial healing, education and community engagement in order to work towards the goal of inclusion, healing, education and community the Township Council on June 23, 2020, authorized the creation of special Advisory Committee known as the Mayor's Advisory Committee for Truth, Racial Healing and Transformation of Berkeley Heights ("TRHT Advisory Committee"), which is set to expire at the end of the 2020 calendar year unless extended by further action of the Council; and

WHEREAS, the Mayor and Township Council agree that it would be in the best interest of the Township to continue the TRHT Advisory Committee beyond 2020 to provide advice and assistance on matters related to the Township's commitment to support community-based change to address the effects of racism

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights, in the County of Union, New Jersey, as follows:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The TRHT Advisory Committee shall continue as a special Committee through ~~April 30, 2021.~~ **May 31, 2021**
3. The purposes, membership requirements, responsibilities and all other terms relating to the Committee and its membership shall remain as set forth in above referenced June 23, 2020 Resolution, except for the sunset provisions of the Board itself which shall now be ~~April 30, 2021.~~ **May 31, 2021**
4. Appointments to the Committee for the term ending December 31, 2020 shall not be made before January 19, 2021.
5. This Resolution shall take effect immediately.

APPROVED this 20th day of April, 2021.

ATTEST:

Ana Minkoff
Township Clerk

#7

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

WHEREAS, Arbor Day is now observed throughout the nation and the world,
and

WHEREAS, trees can reduce the erosion of our valuable topsoil by wind and
water, cut heating and cooling costs, moderate the temperature, clean the air,
produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes,
fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic
vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual
renewal, and

NOW, THEREFORE, the Mayor and the Township Council of the Township of
Berkeley Heights, do hereby proclaim April 30, 2021 as Arbor Day in the
Township of Berkeley Heights, and we urge all citizens to celebrate Arbor Day
and to support efforts to protect our trees and woodlands, and we further urge all
citizens to plant trees to gladden the heart and promote the well-being of this and
future generations.

APPROVED this 20th day of April, 2021.

ATTEST:

Ana Minkoff
Township Clerk

#8

**TOWNSHIP OF BERKELEY HEIGHTS
COUNTY OF UNION, NEW JERSEY**

RESOLUTION

**RESOLUTION ENTERING INTO AN INTERLOCAL SERVICES AGREEMENT
WITH THE CITY OF ELIZABETH, DEPARTMENT OF HEALTH AND
HUMAN SERVICES, DIVISION OF HEALTH FOR SEXUALLY
TRANSMITTED DISEASE SERVICES**

WHEREAS, the Township of Berkeley Heights is desirous in obtaining services from the City of Elizabeth for Sexually Transmitted Disease (STD) Services; and

WHEREAS, said services are to include testing, reporting all cases to the Health Officer, and treatment, disease prevention, and counseling to all patients infected with STDs, at the Sexually Transmitted Disease Clinic; and

WHEREAS, the City of Elizabeth, Department of Health and Human Services, is ready, willing and able to furnish said services; and

WHEREAS, the City of Elizabeth, Department of Health and Human Services fee is \$175.00 per patient for services rendered at the Sexually Transmitted Disease (STD) clinic; and

WHEREAS, the Sexually Transmitted Disease Services will be for a period of January 1, 2021 through December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Township of Berkeley Heights, County of Union, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute an agreement between the Township of Berkeley Heights and the City of Elizabeth to provide Sexually Transmitted Disease Services.

Approved this 20th day of April, 2021.

ATTEST:

Ana Minkoff
Township of Berkeley Heights

#9

TOWNSHIP OF BERKELEY HEIGHTS

RESOLUTION

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Berkeley Heights Council of the Township of Berkeley Heights, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Berkeley Heights Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Berkeley Heights Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union;

NOW, THEREFORE, BE IT RESOLVED by the Township of Berkeley Heights, County of Union, State of New Jersey hereby recognizes the following:

1. The Berkeley Heights Township Council does hereby authorize submission of a strategic plan for the Berkeley Heights Municipal Alliance grant for fiscal year July 1, 2021 - June 30, 2022 in the amount of:

DEDR	\$ 6,318.00
Cash Match	\$ 1,579.50
In-Kind	\$ 4,738.50

2. The Berkeley Heights Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Angie Devanney, Mayor

CERTIFICATION

I, Ana Minkoff, Municipal Clerk of the Township of Berkeley Heights, County of Union, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Berkeley Heights Township Council on this 20th day of April, 2021.

Ana Minkoff, Municipal Clerk

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

WHEREAS, the Tax Collector has advised that there was an overpayment of a portion of 2020 property taxes for property known as Block# 206, Lot# 15 also known as Springfield Avenue, which requires a refund in the amount of \$443.81; and,

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment of the fourth (4th) quarter 2020 taxes in the amount of \$443.81, to Elshiekh Enterprises LLC, 12 Via Vitale, Kenilworth, NJ 07033.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Tax Collector.

APPROVED this 20th day of April 2021.

Attest:

**Ana Minkoff
Township Clerk**

#106

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

WHEREAS, James Buchanan, was required to post a street opening bond, in the amount of \$2,000.00, in connection with work being performed at 167 Chaucer Drive, the Township Engineer has recommended by letter dated April 9, 2021, a release of the cash bond in the amount of \$2,000.00.

NOW, THEREFORE BE IT RESOLVED, by the Township Council, Township of Berkeley Heights, County of Union, hereby authorizes the Township Treasurer to release and return the cash bond posted by James Buchanan, in the amount of \$2,000.00, together with any applicable interest.

BE IT FURTHER RESOLVED, that a copy of this Resolution is to be forwarded to the Township Engineer.

APPROVED this 20th day of April, 2021.

ATTEST:

Ana Minkoff
Township Clerk

**A RESOLUTION PURSUANT TO N.J.S.A.10:4-12 MOVING
THE PUBLIC MEETING INTO EXECUTIVE SESSION**

WHEREAS, the provisions of the Open Public Meetings Act (N.J.S.A.10:4-1 et seq.) expressly provide that a public body may move into Executive Session and exclude the public from that portion of a meeting at which the public body discusses any of the nine areas set forth in N.J.S.A.10:4-12b; and

WHEREAS, the Township Council of the Township of Berkeley Heights has determined it necessary to move into Executive Session to discuss the following subjects, all of which are included in the aforesaid exceptions:

- 1. Attorney Client Privilege/Contract Negotiations – Municipal Complex**
- 2. Attorney Client Privilege/Contract Negotiations – Mast**
- 3. Pending or Anticipated Contract Negotiations - NW Financial**
- 4. Attorney Client Privilege - Personnel**

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of

Berkeley Heights that it does hereby move into Executive Session pursuant to N.J.S.A.10:4-12b to discuss the aforesaid matters; and

IT IS FURTHER RESOLVED that the aforesaid discussions shall be made public either at the Public Meeting following said Executive Session or at such time as any litigated or personnel matters are concluded; or upon conclusion of any negotiations or related discussions; or as otherwise specified; and

IT IS FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

APPROVED this 20th day of April, 2021

Attest: _____
Ana Minkoff, Township Clerk